

the pending claims is novel and non-obvious. To the extent that the Examiner is taking Official notice that the GUIs as set forth in the claims are well known, applicants traverse such an assertion.

It is asserted in the Office action that it would have been obvious to modify Bachman to include the well know features of graphical user interfaces. This assertion lacks the support necessary to sustain a proper rejection under 35 U.S.C. § 103. In order to support a rejection under 35 U.S.C. § 103 based on the modification of a single reference, the Office action must include specific evidence to show *why* one of ordinary skill would be motivated to modify the reference in such a way to incorporate all of the claimed elements. *See In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1316-17 (Fed. Cir. 2000) (“Even when obviousness is based on a single prior art reference, there *must* be a showing of a suggestion or motivation to modify the teachings of that reference.”) (emphasis added). Broad conclusory statements concerning motivation to modify, standing alone, are not sufficient to support an obviousness rejection. *See In re Freed*, 425 F.2d 785, 787, 165 U.S.P.Q. 570, 571-72 (C.C.P.A. 1970) (an obviousness rejection must be based on facts, “cold hard facts”); *In re Kotzab*, 217 F.3d at 1370, 55 USPQ2d at 1317 (“Broad, conclusory statements standing alone are not ‘evidence.’”). Accordingly, a statement that a modification would be an “obvious design choice,” without factual support, is insufficient as a matter of law. *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999), *abrogated on other grounds by In re Gartside*, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000). Finally, as the absence of a suggestion to modify a reference is dispositive in an obviousness determination, a rejection which fails to provide specific evidence as to *why* one of ordinary skill would be motivated to modify the relevant reference is insupportable, as a matter of law. *See Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573, 42 USPQ2d 1378 (Fed. Cir. 1997).

No specific evidence to show why one of ordinary skill would be motivated to modify Bachman is provided in the Office action. It is merely asserted that GUIs are well known and that it would have been obvious to one of skill in the art to include such features in Bachman. The Office action apparently asserts that one skilled in the art would be motivated to provide “users with instant access of descriptive buttons and when clicking those buttons access of associated data would be displayed thus providing users with the ease of using the system.” This unsupported assertion fails to establish a sufficient motivation to modify Bachman for at

least two reasons. First, the motivation provided is not found in the prior art. Second, merely providing users of the Bachman system with GUIs would not result in the claimed invention for the reasons discussed below. Accordingly, applicants respectfully request that the rejections of claims 1-16 under 35 U.S.C. § 103 be withdrawn.

Bachman is directed to a credit protection program. In the Bachman system, a cardholder who purchases enrollment in the program is not required to pay down credit card debt during specified events such as hospitalization, unemployment, disability or family leave. Accordingly, upon occurrence of such a specified event the cardholder sends notification of the event to the administrator of the program. Bachman col. 14, ll. 16-22. The administrator verifies that the event is valid and notifies the credit protector system. Bachman col. 14, ll. 22-34. The credit protector system causes the cardholder's account to show a payment due of zero and ensures that no further credit is extended to the cardholder. Bachman col. 14 ll. 35-43. Should the event not be verified, the cardholder is notified and credit bureaus are notified if the cardholder is not in good standing. Bachman col. 14, ll. 43-57. Bachman does not address financial payment advice.

The Bachman system is substantially different from applicants' invention. The instant invention is directed to providing consistent strategies to customer service representatives negotiating with customers who have delinquent credit accounts. The disclosed method analyses the customer's financial information and generates advice for the customer service representative related to financial payment and negotiation strategies specifically tailored to the customer's economic situation. In operation, the customer service representative obtains information regarding the customer's current economic situation and selects a descriptive icon, from among several on a first graphical user interface (GUI), which most closely corresponds the customer's situation. As result of the selection, a second GUI is displayed which contains a set of questions, with multiple answer choices. The customer service representative queries the customer based on the questions and selects the appropriate answers. The system generates financial payment advice based on the inputs by the customer service representative. The financial payment advice is displayed to the customer service representative. The credit protection system of Bachman fails to render such a financial advice system obvious. Bachman fails to show or suggest each element of the pending claims for the following reasons.

**1) Independent Claim 1 and Claims Depending Therefrom**

Independent claim 1 sets forth a system including a first graphical user interface (GUI) comprising one or more descriptive icons, the descriptive icons representing one or more financial situations. A second GUI is displayed on the display of a computer based on selection of one of the descriptive icons. A processor is operative to generate financial payment advice. Bachman fails to show or suggest at least these elements of claim 1.

Bachman fails to show or suggest a first graphical user interface (GUI) displayed on a computer including descriptive icons, where the descriptive icons represent one or more financial situations as set forth in claim 1. The Office action asserts that it would have been obvious to modify Bachman to use a GUI. However, the mere use of GUIs to implement the Bachman system would not result in descriptive icons that represent one or more financial situation. The Bachman system needs merely to determine whether or not the cardholder meets the requirements to activate the deferment of credit card debit. In contrast, the instant invention contemplates customer service representatives who classify the financial situation of a customer in default. The customer service representative is presented descriptive icons corresponding to potential customer situations. (Specification at 10.) Payment advice is generated based on the selection of a descriptive icon. As the Bachman system need not classify the cardholder's financial situation, there is no suggestion in Bachman to use descriptive icons that represent financial situations as set forth in claim 1.

Bachman also fails to show or suggest a second GUI displayed on a computer, where the second GUI includes one or more questions. The claimed invention contemplates that the customer service representative is presented with questions relating to a customer's financial situation. (Spec. at 10.) Based on the selection of answers to the questions, financial payment advice is generated, which is used to establish an appropriate payment plan for the customer. Bachman suggests no direct negotiation between a customer and the financial institution. Accordingly, there is no suggestion to display questions regarding the customer's financial situation. To the contrary, Bachman suggests customer service representatives communicate with customers by letter. Bachman col. 14, ll. 43-48. The use of postal communication in Bachman teaches away from the display of questions on a GUI. Accordingly, there is no suggestion in the Bachman system of a GUI including one or more questions.

Bachman fails to show or suggest a processor operative to generate financial payment advice in response to answers to the one or more questions, where the advice is displayed on display as set forth in claim 1. The Bachman system contemplates only one method to address financial difficulties, that is debt deferment. The deferment is activated only for customers who have purchased the protection plan and is activated only during specified events. Accordingly, the Bachman system needs only to confirm that a customer is enrolled in the program and verify that a specified event has occurred. If so, debt payment is deferred. If not, debt payment is not deferred. These are the only options addressed by Bachman: there is no suggestion to generate financial payment advice. Bachman includes no teaching regarding generating financial payment advice, contrary to the assertion in the Office action.

Applicants respectfully submit that for at least the above reasons Bachman fails to show or suggest each limitation of claim 1. The Office action fails to establish a *prima facie* case of obviousness against claim 1, because Bachman fails to teach or suggest all the claim limitations. Accordingly, applicants request that the rejection of claim 1 as being unpatentable in view of Bachman be withdrawn.

Claims 2-7 depend from claim 1 and accordingly include all the limitations of claim 1. If an independent claim is nonobvious over the prior art, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Claims 2-7 are thus patentable over Burkey for at least the reasons discussed above with respect to claim 1.

In addition, proposed claim 3 sets forth that the system is operable to generate advice on negotiation strategies regarding an individual's economic situation for interacting with the individual. For the reasons discussed above, Bachman does not address negotiation strategies. There is simply no suggestion or motivation in Bachman to generate advice on negotiation strategies.

Claim 4 sets forth that the second GUI comprises predetermined questions or predetermined answers to predetermined questions. As discussed above, the Bachman system needs only to verify whether or not a qualifying event has occurred. There is no need in Bachman for questions and answers used to tailor the response to the event because the credit protector program either activates deferment or does not activate deferment. Bachman thus does

not show or suggest that a GUI comprises predetermined questions or predetermined answers as set forth by claim 4.

Claim 5 sets forth that the second GUI comprises a window for displaying advice together with the questions. As discussed above, the Bachman system provides no advice. There is thus no suggestion to display advice together with questions in a GUI as set forth by claim 5.

Claim 6 sets forth that the second GUI comprises one or more descriptive icons. As discussed above, there is no suggestion in Bachman of a second GUI as set forth in claim 1. As Bachman does not suggest a GUI that includes questions, there is no suggestion to include descriptive icons in such a GUI. Bachman includes no suggestion of a second GUI including one or more descriptive icons as set forth by claim 6.

Claim 7 sets forth that the second GUI comprises means for specifying the type of the advice generated by the system. As discussed above, the Bachman system provides no advice. Accordingly, Bachman does not suggest a second GUI that includes means for specifying the type of the advice generated by the system.

For at least the above reasons, the Office action fails to present a *prima facie* case of obviousness against claims 2-7. Applicants respectfully request for at least the above reasons that the rejections of claims 2-7 be withdrawn.

## **2) Independent Claim 8 and Claims Dependent Therefrom**

Independent claim 8 sets forth a method of providing financial payment advice specifically tailored to an individual's economic situation. Claim 8 includes the steps of retrieving strategy data in response to the selection of a descriptive icon, displaying a second GUI comprising one or more questions, retrieving financial payment advice data related to the answers to the questions, and displaying the financial payment advice. Bachman fails to show or suggest at least these steps of claim 8. Accordingly, the Office action fails to establish a *prima facie* case of obviousness against claim 8.

Bachman fails to show or suggest a step of retrieving strategy data in response to the selection of a descriptive icon. Claim 8 sets forth that the descriptive icon represents one financial situation and is displayed as part of a first GUI. Bachman is silent regarding any strategy data because the Bachman system merely decides whether or not to activate deferment. Bachman does not suggest retrieving strategy data based on selection of anything that classifies a

customer's financial situation. To the contrary, Bachman merely verifies whether or not a qualifying event has occurred. Accordingly, Bachman does not show or suggest strategy data and cannot show or suggest retrieving such strategy data.

Bachman fails to show or suggest a step of displaying a second GUI comprising one or more questions. As discussed above with respect to claim 1, Bachman suggests no direct negotiation between a customer and the financial institution. Accordingly, there is no suggestion to display questions regarding the customer's financial situation. To the contrary, Bachman suggests customer service representatives communicate with customers by letter. The use of postal communication in Bachman teaches away from the display of questions within a GUI. Accordingly, there is no suggestion to in the Bachman to display a second GUI comprising one or more questions.

Bachman fails to show or suggest a step of retrieving financial payment advice data related to answers to the questions. Bachman also fails to suggest displaying the financial payment advice. As discussed above, Bachman merely verifies whether or not an event has occurred that is required to activate the deferment of a customer's account. The customer in Bachman is notified either that deferment has been activated or that it has not. There is no suggestion of any financial payment advice data that is retrieved or displayed by the Bachman system.

For at least the above reasons, the Office action fails to present a *prima facie* case of obviousness against claim 8. Applicants respectfully request that for at least the above reasons the rejection of claim 8 as being unpatentable in view of Burkey be withdrawn.

Claims 9 and 10 depend from claim 8 and accordingly include all the limitations of claim 8. If an independent claim is nonobvious over the prior art, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 9 and 10 are thus patentable over Burkey for at least the reasons discussed above with respect to claim 8.

In addition, proposed claim 9 sets forth the step of generating advice on negotiation strategies regarding an individual's economic situation for interacting with the individual. As discussed above with respect to claim 3, Bachman does not address negotiation strategies. There is simply no suggestion or motivation in Bachman to generate advice on negotiation strategies.

Claim 10 sets forth the step of displaying the advice together with the questions. As discussed above with respect to claim 5, the Bachman system provides no advice. Bachman thus includes no suggestion to display advice together with question in a GUI as set forth by claim 5.

For at least the above reasons, the Office action has failed to establish a *prima facie* case of obviousness against claims 9 and 10. Applicants respectfully request for at least the above reasons that the rejections of claims 9 and 10 be withdrawn.

### **3) Independent Claim 11 and Claim Dependent Therefrom**

Claim 11 sets forth a method for providing financial advice specifically tailored to an individual's economic situation. Claim 11 includes the steps of classifying the individual's economic situation, selecting a descriptive icon representing a financial situation, obtaining answers to questions offered in response to the selection of the descriptive icon, inputting answers to the questions, and requesting financial payment advice based on the answers to the questions. Bachman fails to show or suggest at least these steps of claim 11. Accordingly, the Office action fails to establish a *prima facie* case of obviousness against claim 11.

Bachman fails to show or suggest a step of classifying an individual's economic situation. As discussed above, Bachman merely determines whether or not an event has occurred that is required to activate deferment. There is no need or suggestion in Bachman to choose a category corresponding to a customer's economic situation. Bachman thus fails to show or suggest a step of classifying an individual's economic situation as set forth by claim 11.

Bachman fails to show or suggest a step of selecting a descriptive icon. Claim 11 sets forth that the descriptive icon represents one financial situation and is displayed on a first GUI. There is no suggestion in Bachman to select anything that represents a financial situation. As discussed above, the results of the Bachman system are not altered based on classifying a customer's financial situation. Accordingly, Bachman cannot suggest selecting a descriptive icon representing one financial situation.

Bachman fails to show or suggest a step of obtaining answers to questions offered in response to the selection of the descriptive icon. Claim 11 set forth that the questions are displayed on the first GUI and are related to the financial situation represented by the descriptive icon. Bachman also fails to show or suggest a step of inputting answers to the questions. The Bachman system includes no suggestion to obtain answers to question related to the financial

situation of a customer. To the contrary, Bachman merely verifies whether or not an event required to activate deferment has occurred by requesting verification documents. Accordingly, a user of the Bachman system does not obtain answers to questions offered in response to the selection of anything that classifies a customer's financial situation. As no answers to questions are obtained when using the Bachman system, no answers are input to the Bachman system.

Bachman fails to show or suggest a step of requesting financial payment advice based on at least the answers to the questions. The Bachman system does not produce financial payment advice. There is no suggestion in Bachman to provide financial payment advice based on answers to questions related to the customer's financial situation. There is no suggestion to request financial payment advice when using the Bachman system. Bachman does not show or suggest requesting financial payment advice as set forth by claim 11.

For at least the above reasons, the Office action fails to establish a *prima facie* case of obviousness against claim 11. Applicants respectfully request that for at least the above reasons the rejection of claim 11 as being unpatentable in view of Bachman be withdrawn.

Claim 12 depends from claim 11 and accordingly includes all the limitations of claim 11. If an independent claim is nonobvious over the prior art, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claim 12 is thus patentable over Bachman least the reasons discussed above with respect to claim 11. Claim 12 sets forth specifying the type of the advice generated by the system. As discussed above, the Bachman system provides no advice. Accordingly, Bachman does not suggest specifying the type of advice generated by the system. Applicants respectfully request for at least the above reasons that the rejection of claim 12 be withdrawn.

#### **4) Independent Claim 13 and Claims Dependent Therefrom**

Claim 13 sets forth a system for providing financial payment advice specifically tailored to an individual's economic situation. Claim 13 sets forth a GUI comprising one or more descriptive icons representing one or more financial situations, and means for generating financial payment advice. Bachman fails to show or suggest at least these elements of claim 13. Accordingly, the Office action fails to establish a *prima facie* case of obviousness against claim 13.

Bachman fails to show or suggest a graphical user interface. As set forth by claim 13, the GUI comprises one or more descriptive icons, where the one or more descriptive icons



represent one or more financial situations. As discussed above, there is no suggestion in Bachman to present various classes of financial situations for a user to choose between. The Bachman system merely verifies that an event has occurred and activates deferment if the verification is positive. There is no need or suggestion in Bachman of a GUI including descriptive icons representing financial situations because a user of the Bachman system does not choose between financial situations.

Bachman fails to show or suggest means for generating financial payment advice based at least in part on information specific to the individual. The Bachman system does not generate financial payment advice. The Bachman system merely provides for account deferment during specified events. Bachman does not generate financial payment advice based on information specific to an individual.

For at least the above reasons, the Office action fails to establish a *prima facie* case of obviousness against claim 13. Applicants respectfully request that, for at least the above reasons, the rejection of claim 13 as being unpatentable in view of Burkey be withdrawn.

Claims 14-16 depend from claim 13 and accordingly include all the limitations of claim 13. If an independent claim is nonobvious over the prior art, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Claims 14-16 are thus patentable over Burkey for at least the reasons discussed above with respect to claim 13.

In addition, proposed claim 14 sets forth means for generating advice on negotiation strategies regarding an individual's economic situation for interacting with the individual. As discussed above with respect to claim 3, Bachman does not address negotiation strategies. There is simply no suggestion or motivation in Bachman to generate advice on negotiation strategies.

Claim 15 sets forth means for specifying the type of the advice generated by the system. As discussed above, the Bachman system provides no advice. Accordingly, Bachman does not suggest specifying the type of advice generated by the system.

Claim 16 sets forth that the system further comprises means for further refining the advice. The Bachman system provides no advice and, thus, cannot suggest means for further refining the advice.

For at least the above reasons, the Office action fails to present a *prima facie* case of obviousness against claims 14-16. Applicants respectfully request for at least the above reasons that the rejections of claims 14-16 be withdrawn.

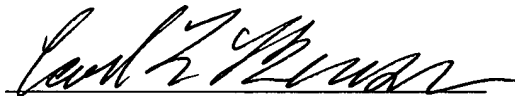
## **II. CONCLUSION**

Applicants respectfully submit that rejection of the pending claims as being unpatentable over the single applied reference to Bachman should be withdrawn for the reasons set forth above. The Office action states: "all the claimed features are substantially taught by Bachman particularly the functions of generating a financial payment advice in response to quests and answers from a user." There is scant support in the Office action for this conclusory statement. Applicants respectfully submit that as a reading of the disclosure of the Bachman patent does not support this conclusion, a *prima facie* case of obviousness has not been established in the Office action. Applicants' claimed invention and the Bachman system are very different. The Bachman system only functions as system for debt deferment. The Bachman system is not a system that generates financial payment advice as asserted in the Office action. The Bachman system does not disclose questions and answers from a user as asserted in the Office action. Furthermore, it is acknowledged that Bachman does teach the use of graphical user interfaces and icons illustrating financial situations as claimed. Regardless of whether graphical user interfaces and icons are well known, there is no motivation to modify Bachman to include the claimed configurations of graphical user interfaces and icons because the Bachman system does not output financial advice tailored to the specific situation of an individual. For at least these reasons, applicants submit that the pending claims are patentable over Bachman. Applicants respectfully request reconsideration and early allowance of this application.

Should the Examiner require resolution of any issues for allowance, the Examiner is invited to contact the undersigned to expedite the prosecution of this application to final action.

Respectfully submitted,

HUNTON & WILLIAMS

By:   
Carl L. Benson  
Registration No. 38,378

Dated: January 28, 2004

Hunton & Williams  
Intellectual Property Department  
1900 K Street, N.W.  
Suite 1200  
Washington, DC 20006-1109  
(202) 955-1500 (telephone)  
(202) 778-2201 (facsimile)